

REMARKS

Claims 1 and 3-13 are pending in this application. By this Amendment, claims 1 and 3-13 are amended, and claims 2 and 14-16 are canceled without prejudice to, or disclaimer of, the subject matter recited therein. Support for the amendments can be found, for example, in the claims as originally filed. No new matter is added.

Reconsideration and allowance of the application are respectfully requested in view of the foregoing amendments and following remarks.

I. Information Disclosure Statement

The Examiner is respectfully requested to consider the references submitted with the attached Information Disclosure Statement.

II. Claim for Priority

Applicants thank the Examiner for acknowledging Applicants' claim for priority to JP 2004-265751 and JP 2005-233853. Applicants respectfully submit the attached Request to Retrieve Electronic Priority Application requesting the Patent Office to obtain a certified copy of JP 2005-233853. Applicants also respectfully request that the Examiner indicate that the certified copy of JP 2005-233853 has been received in the next Patent Office communication.

III. Rejection Under 35 U.S.C. §112, Second Paragraph

The Office Action rejects claims 1, 2 and 10-12 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Without conceding the propriety of the rejection, claims 1, 2 and 10-12 are amended in light of the Examiner's comments to obviate the rejection. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

IV. Rejection Under 35 U.S.C. §102

The Office Action rejects claims 1-9 and 14-16 under 35 U.S.C. §102(b) over U.S. Patent No. 6,398,835 to Rehil ("Rehil"). By this amendment, claims 2 and 14-16 are

canceled, thus the rejection is moot as to those claims. As to the pending claims, Applicants respectfully traverse the rejection.

By this Amendment, claim 1 recites, *inter alia*, "A chemical volatilization device comprising: a chemical retainer made of fibers; and a rotary drive device, without a fan, wherein the chemical-retaining fibers are twisted threads, the rotary drive device rotates the chemical retainer about the chemical retainer's axis...." Applicants respectfully assert that Rehil fails to disclose at least the above features of claim 1.

The Office Action asserts that Rehil discloses a chemical volatilization device for rotating a chemical retainer. See Office Action, page 3. However, Rehil merely discloses an air-filtering device that incorporates a rotating fan with an air-filtering element attached to a fan guard. See Rehil, col. 5, lines 53-60. Rehil further discloses rotating a fan blade, which is separate from the filtering element, to draw air through the filtering element. See Rehil, col. 7, lines 18-30. Thus, the filtering element disclosed by Rehil remains stationary while the blades rotate. See, for example, Rehil, Fig. 2 and col. 7, lines 18-30. Thus, the filtering element disclosed in Rehil is not rotated, but merely receives the air currents generated from rotating fan blades and, thus, does not achieve the effects of generating negative pressure, air currents, and centrifugal force that are realized by rotating the chemical retainer about its axis. See specification, page 9, first full paragraph. Therefore, Rehil fails to disclose a chemical volatilization device with a chemical retainer and a rotary drive device, without a fan, and where the rotary drive device rotates the chemical retainer about the chemical retainer's axis, as recited in claim 1.

The Office Action further asserts that Rehil discloses chemical retaining fibers in the form of twisted threads. See Office Action, page 4. However, Rehil merely discloses that the filtering element may be formed of any suitable material that allows air to pass through while precluding passage of particulates, including open cell foam, woven and non-woven fibers,

and paper. See Rehil, col. 6, lines 60-67. However, Rehil fails to disclose chemical retaining fibers in the form of twisted threads, as recited in claim 1.

Thus, Applicants respectfully assert that Rehil does not disclose each and every element recited in claim 1. Claims 3-9 variously depend from claim 1 and, thus, are also not anticipated by Rehil. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

V. Rejections Under 35 U.S.C. §103(a)

The Office Action rejects claims 11 and 12 under 35 U.S.C. §103(a) over Rehil, rejects claim 10 under 35 U.S.C. §103(a) over Rehil in view of U.S. Patent No. 6,391,200 to Pulek et al. ("Pulek"), and rejects claim 13 under 35 U.S.C. §103(a) over Rehil in view of U.S. Patent No. 4,750,863 to Scoggins ("Scoggins"). The rejections are respectfully traversed.

Applicants respectfully assert that Rehil, Pulek and Scoggins, as applied in the Office Action, would not have rendered obvious at least the above features of claim 1.

A. Rehil

As discussed above, Rehil does not disclose each and every feature of claim 1. Further, the Office Action provides no reason or rationale for one of ordinary skill in the art to have modified the air-filtering device disclosed in Rehil to have included a chemical retainer and a rotary drive device, without a fan, where the rotary drive device rotates the chemical retainer about the chemical retainer's axis, as recited in claim 1, at least because Rehil fails to disclose any benefit or desirability for rotating an element constructed of fibers about its axis.

Likewise, The Office Action provides no reason or rationale for one of ordinary skill in the art to have modified the disclosure of Rehil to have included a chemical retainer with chemical retaining fibers that are twisted threads, as recited in claim 1, at least because Rehil fails to disclose any benefit or desirability for forming an element from twisted threads.

For at least the reasons discussed above, Applicants respectfully assert that claim 1 would not have been rendered obvious by Rehil. Claims 11 and 12 depend from claim 1 and, thus, would also not have been rendered obvious by Rehil. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

B. Rehil and Pulek

Applicants further assert that Pulek fails to address the above discrepancies of Rehil as to claim 1. The Office Action merely applies Pulek as allegedly disclosing small gap chemical retaining fibers, which have a smaller gap than the chemical mesh fibers. See Office Action, page 5. Thus, the Office Action does not apply Pulek to address the above discrepancy of Rehil. Therefore, Rehil and Pulek, as applied in the Office Action, would not have rendered obvious each and every feature of claim 1.

For at least the reasons stated above, claim 1 would not have been rendered obvious by Rehil and Pulek. Claim 10 depends from claim 1 and, thus, would also not have been rendered obvious by Rehil and Pulek. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Rehil and Scoggins

Applicants further assert that Scoggins fails to address the above discrepancy of Rehil as to claim 1. The Office Action merely applies Scoggins as allegedly disclosing a filter arrangement having a protective casing. See Office Action, page 6. Thus, the Office Action does not apply Scoggins to address the above discrepancy of Rehil. Therefore, Rehil and Scoggins, as applied in the Office Action, would not have rendered obvious each and every feature of claim 1.

For at least the reasons stated above, claim 1 would not have been rendered obvious by Rehil and Scoggins. Claim 13 depends from claim 1 and, thus, would also not have been

rendered obvious by Rehil and Scoggins. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

VI. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff
Registration No. 27,075

Nicolas A. Brentlinger
Registration No. 62,211

JAO:DEF/mab

Attachments:

Information Disclosure Statement
Request to Retrieve Electronic Priority Application

Date: August 6, 2009

OLIFF & BERRIDGE, PLC
P.O. Box 320850
Alexandria, Virginia 22320-4850
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--